

IP 05-1753-C M/L Koch v Convenience Industry  
Magistrate William T. Lawrence

Signed on 3/6/07

NOT INTENDED FOR PUBLICATION IN PRINT

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

CHRISTINE KOCH,	)	
	)	
Plaintiff,	)	
vs.	)	NO. 1:05-cv-01753-LJM-WTL
	)	
CONVENIENCE INDUSTRY ASSOCIATES	)	
LLC,	)	
	)	
Defendant.	)	

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

<b>CHRISTINE KOCH,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CAUSE NO. 1:05-cv-1753-LJM-WTL</b>
	)	
<b>CONVENIENCE INDUSTRY ASSOCIATES</b>	)	
<b>LLC, d/b/a MCCLURE OIL CORP.,</b>	)	
	)	
<b>Defendant.</b>	)	

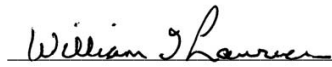
**ENTRY ON MOTION TO COMPEL**

This cause is before the Magistrate Judge on the Plaintiff's motion to compel and the Defendant's response thereto. The Plaintiff has not filed a reply in support of her motion, and the time for doing so has expired. The Magistrate Judge, being duly advised, **DENIES** the motion to compel for the reasons set forth below.

This is an employment discrimination case in which Plaintiff Christine Koch alleges that she was sexually harassed by Tom Seidl, her supervisor, during her employment as the store manager of a convenience store and then terminated in retaliation for complaining about the harassment. In document requests served on the Defendant, Koch requested the personnel files of certain other store managers who also reported to Seidl and all disciplinary notices issued by Seidl within the past five years. Koch received the Defendant's response to her requests, in which it objected to producing the requested personnel files and disciplinary records, on or about September 7, 2006. On September 13<sup>th</sup>, Koch deposed Seidl and learned of some additional employees whose personnel files she wished to obtain. On October 12, 2006, Koch's counsel sent a letter to Defendant's counsel asking for all of the personnel files; defense counsel responded to the letter on October 19<sup>th</sup>. Koch filed the instant motion on January 10, 2007.

The Defendant argues that Koch's motion is untimely, inasmuch as it was filed more than four months after the discovery responses at issue were served, nearly four months after the September 14, 2006, discovery deadline, and more than a month after the Defendant filed its motion for summary judgment. The Court agrees. While it might be reasonable for a motion to compel to be filed after the discovery deadline when, as here, the discovery responses at issue were served just prior to the deadline, such motions must be filed promptly. This one was not, and Koch offers no explanation for the delay, even after the Defendant raised it in its response to the motion. Accordingly, the motion to compel is **DENIED**.

SO ORDERED: 03/06/2007



Hon. William T. Lawrence, Magistrate Judge  
United States District Court  
Southern District of Indiana

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